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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Octavio BEATRIZ-Doroteo** Defendant	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States '08 MJ 1183

The undersigned complainant, being duly sworn, states:

On or about **April 16, 2008** within the Southern District of California, defendant, **Octavio BEATRIZ-Doroteo,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **17th** DAY OF **APRIL 2008**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Octavio BEATRIZ-Doroteo

PROBABLE CAUSE STATEMENT

On April 16, 2008, at approximately 4:30 a.m. Field Operations Supervisor C. Allen and Supervisory Border Patrol Agent J. De La Torre were observing traffic near the Crestwood interchange of Interstate 8. This area is located approximately 20 miles east of the Tecate, California Port of Entry and approximately three miles north of the U.S./Mexico International Border.

At approximately 4:45 a.m., Agents Allen and De La Torre observed a white Ford Expedition traveling northbound on Church road. The Expedition passed by Agents Allen and De La Torre and they both noticed the Expedition appeared to be heavily loaded in the rear of the vehicle. The Expedition entered onto Interstate 8 going westbound. The Expedition exited the interstate at Buckman Springs Road and then reentered Interstate 8 going eastbound. Once the Expedition entered I-8 eastbound, Agents Allen and De La Torre conducted a vehicle stop. The driver of the Expedition immediately yielded.

Agents Allen and De La Torre approached the Expedition and observed people lying down trying to conceal themselves. Agent Allen approached the driver and identified himself as a Border Patrol Agent and inquired about her citizenship. The driver stated she was a United States citizen. Agent De La Torre approached the front seat passenger and identified himself as a Border Patrol Agent and inquired about his citizenship. The passenger stated he was a United States citizen.

Agent Allen then questioned the remaining eight occupants, concerning their citizenship. Individually, each subject, including the defendant **Octavio BEATRIZ-Doroteo**, stated they were citizens of Mexico without any immigration documents allowing them to enter or remain in the United States legally. All ten, including the defendant, were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on or about March 07, 2008. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.